

UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,  
INC., POLYPROPYLENE HERNIA  
MESH PRODUCTS LIABILITY  
LITIGATION

Case No. 2:18-md-2846

Judge Edmund A. Sargus, Jr.  
Magistrate Judge Kimberly A. Jolson

**This document relates to:**

*Phelps v. Davol, Inc. et al.*

Case No. 2:21-cv-3781

**ORDER**

On November 8, 2022, the Court ordered Plaintiff to perfect service pursuant to Civil Rule 4. (ECF No. 3.) On November 22, 2022, Defendants filed a notice that Plaintiff had not complied with the Court's order. (ECF No. 4.) Therefore, Defendants' Motion to Dismiss for Failure to Serve Complaint (ECF No. 4) is **GRANTED** and Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**. Defendants' original motion to dismiss (ECF No. 2) is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

2/13/2023  
DATE

s/Edmund A. Sargus, Jr.  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE